

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Sari E. Newman,  
Plaintiff,

Case No. 1:22-cv-06948-JMF

v.

JPMorgan Chase Bank, N.A.  
Defendant

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**Declaration of Sari Newman in Opposition to Defendant's Motion for Summary Judgment**

I, Sari Newman, declare under penalty of perjury, that the following statements are true and correct, based on my personal knowledge and belief.

1. I am of sound mind and not laboring under any disability that would prevent me from giving truthful testimony.
2. I am 69-year's old.
3. In 2018, my husband Perry was diagnosed with cancer. We were told initially that his cancer was manageable; however, days later, his doctor informed us that he would die in a few days. In October of 2018, he passed away.
4. After my husband's death, I relied on my earnings as a secretary and social security payments for income. My life's savings consisted of the proceeds of my husband's life insurance policy, which I believe was \$100,000.
5. I used the proceeds of the life insurance policy to purchase an apartment to live in, with the remainder being put into my Chase savings account.
6. I did not regularly check the savings account. I considered the money in this account my "life-line," and when it ran out, I would have no savings left. So, I intentionally limited

my withdrawals from the account to roughly once monthly when I would move some amount into my checking account to pay for life expenses.


7. On or around April 27, 2022, I looked at the account balance on my mobile phone and saw that it was drastically lower than what I expected it to be. I saw several charges from something called "Aspiration" that I did not recognize, and that I knew I had not authorized.
8. On the very day that I discovered the charges from Aspiration, I called Chase's fraud department, and someone directed me to go into a branch to discuss the missing money.
9. I went into my branch and was told by the people who worked in the branch that I would get the money back.
10. I filed a police report about the theft.
11. I received a letter from Chase stating that because certain Aspiration charges were not reported within 60 days of the first statement upon which they appeared, they would not be credited back to me.
12. I also received a separate letter listing unauthorized charges within the 60-day period.  
That letter also asked me to return a form providing information about the theft.
13. Shortly after returning the form attesting to the nature of the Aspiration theft, I was given a \$38,975 credit.
14. After the \$38,975 credit, I was ready to resume my life.
15. Unfortunately, on June 8, 2022, Chase reversed the credit, calling \$24,975 of the charges that occurred from 1/19/22 until 3/4/22 "authorized."

16. On June 9, 2022, I received another letter saying that Chase made permanent the provisional credit of the other \$14,000 in charges, which occurred from 3/4/22 until 4/5/22, because it agreed the transactions reported were “incorrect.”
17. I find it noteworthy that two separate charges for \$2,000 which occurred on 3/4/22 were treated differently by Chase. One was determined to be authorized, while another was determined to be unauthorized.
18. After the \$24,975 money was retaken, I was helpless and didn’t know what to do. I was suicidal and saw a therapist for the first time in my life. I was not able to sleep and lost 20 pounds. I wrote to congresswoman Kathleen Rice and tried to get Chase to fix the problem.
19. I exercised my rights given to me by the June 8, 2022, letter which provided an opportunity for me to see the information Chase used for its research on the unauthorized Aspiration charges.
20. On July 18, 2022, Chase sent me what it relied on. And it consisted solely of a fraudulent electronic signature on an Aspiration account application which I had no knowledge of.
21. I have learned based on documents I have seen from Aspiration Financial that the fraudulent account was opened with a phone number of 251-699-8334, with which I have never been associated. I do not know who that phone number belongs to.
22. Chase’s 56.1 Statement of Undisputed Facts, Doc 51-1, Para, 15, says that I opened an account on April 28, 2022. I do not believe this is correct; rather I think Chase opened the account for me. See Kesterson Dec., Doc 52, Page 4 of 7.
23. Prior to the \$46,975 theft I had never heard of Aspiration Financial.
24. I filed this lawsuit in August 2022 after not getting results with my own efforts.

25. Shortly after January 1, 2023, more than 4 months after this lawsuit was filed, I received a letter saying that a temporary credit of \$24,975 is now finalized and permanent. Chase has said that this credit was permanent in November 2022. See attached.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/16/23 (date)

Signature: 

Sari Newman





Mail Code TX3-7849  
PO Box 659809  
San Antonio, TX 78265-9109

**Questions?**



[www.chase.com](http://www.chase.com)

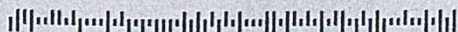


1-866-564-2262



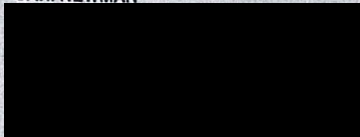
1-866-701-9886

We accept operator relay calls



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SARI NEWMAN



January 01, 2023



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**Update:** We have updated information about your claim

Date of Inquiry: 11/19/2022  
Claim Number: 124801283910001  
Card ending in:  
Claim related to account<sup>1</sup> ending in: 7768

Dear SARI NEWMAN:

Thank you for contacting us about the transaction(s) on your account. We researched the transaction you reported and agree it was incorrect.

The credit(s) we provided for the transaction(s) listed below is now finalized.

**Here's what you should know**

- The temporary credit we provided is now permanent and includes any applicable fees and interest.

If you have questions, please call us at 1-866-564-2262. We're available Monday through Friday 9 am to 9 pm ET or Saturday 9 am to 8 pm ET.

Sincerely,

Customer Claims Department

Enclosure

<sup>1</sup>The term "account" is used to represent both deposit accounts and prepaid accounts.  
JPMorgan Chase Bank, N.A. Member FDIC



**Disputed Transaction(s):**

Transaction Date	Description	Merchant Description (if available)	Transaction Amount	Disputed Amount
01/19/2022	Aspiration P2P sari newman WEB ID		\$75.00	\$75.00
01/19/2022	Aspiration P2P sari newman WEB ID		\$2,000.00	\$2,000.00
01/25/2022	Aspiration P2P sari newman WEB ID		\$2,000.00	\$2,000.00
02/04/2022	Aspiration P2P sari newman WEB ID		\$2,000.00	\$2,000.00
02/04/2022	Aspiration P2P sari newman WEB ID		\$2,000.00	\$2,000.00
02/10/2022	Aspiration P2P sari newman WEB ID		\$2,000.00	\$2,000.00
02/10/2022	Aspiration P2P sari newman WEB ID		\$2,000.00	\$2,000.00
02/17/2022	Aspiration P2P sari newman WEB ID		\$1,900.00	\$1,900.00
02/17/2022	Aspiration P2P sari newman WEB ID		\$2,000.00	\$2,000.00
02/24/2022	Aspiration P2P sari newman WEB ID		\$2,000.00	\$2,000.00
02/24/2022	Aspiration P2P sari newman WEB ID		\$2,000.00	\$2,000.00
03/03/2022	Aspiration P2P sari newman WEB ID		\$1,000.00	\$1,000.00
03/03/2022	Aspiration P2P sari newman WEB ID		\$2,000.00	\$2,000.00
03/04/2022	Aspiration P2P sari newman WEB ID		\$2,000.00	\$2,000.00